

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Buyscrap Int'l, LLC
dba BSI Electronic Recyclers
1541 W. Paramount, Bldg-A
Azusa, CA 91702

ID No. CFI000000028

Respondent.

Docket HWCA 20071468

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Buyscrap Int'l, LLC, dba BSI Electronic Recyclers (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent collects and stores electronic waste.

1.3. Inspection. The Department inspected the Respondent on April 3 and 4 of 2007.

1.4. Authorization Status. The Respondent has notified the Department of their intent to operate as a CRT and UWED material handler under the requirements provided in California Code of Regulations, title 22, division 4.5, chapter 23 related to the treatment of CRTs and UWEDs.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8 Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. Respondent violated California Code of Regulations, title 22, section 66273.85, subsection (a) in that on or about April 4, 2007, Respondent accumulated CRT material for longer than one year from the date the CRT material was generated or received from another handler.

2.3. Respondent violated California Code of Regulations, title 22, section 66273.85, subsection (b), in that on or about April 4, 2007, Respondent failed to demonstrate the length of time that the CRT material has been accumulated from the date it was received.

2.4. Respondent violated California Code of Regulations, title 22, section 66273.35 in that on or about April 4, 2007, Respondent accumulated universal waste for longer than one year from the date the universal waste was generated or received from another handler.

2.5. Respondent violated California Code of Regulations, title 22, section 66273.35, subsection (c) in that on or about April 4, 2007 Respondent failed to demonstrate the length of time that the universal waste has been accumulated from the date it was received.

3. SCHEDULE FOR COMPLIANCE

3.1. The Respondent shall correct the violations cited above within 30 days from the effective date of this Order. The Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PAYMENTS

5.1. Respondent shall pay the Department a total of \$12,000.00. Up to \$8,000.00 of the total penalty amount is available as a credit against the penalty in the form of a supplemental environmental project (SEP) described in Exhibit 2 to this Order.

The SEP shall be completed within one year of the effective date of this Order. If the Department approved documented costs for the SEP exceeded the \$8,000.00, the excess amount shall not be considered as an additional credit to the total penalty amount. If the documented costs for the SEP do not total \$8,000.00, the Respondent shall pay the shortfall to the Department by check as part of the total penalty. Such difference shall be paid by Respondent to the Department within 30 days from Department's notice of the applicable amount to Respondent.

5.2. The Respondent shall pay to the Department a penalty of \$4,000.00. This penalty shall be paid in two (2) installments. The two installments in the amount of \$2,000.00 each are due and payable as follows: on June 1, 2008 and September 1, 2008. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment. If Respondent fails to make any payment timely as provided above, Respondent agrees to pay interest thereon at the rate established pursuant to Health and Safety Code section 25360.0. Respondent further agrees to pay all costs and attorney's fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent thereunder. Respondent's checks shall be made payable to Department of Toxic Substances Control, and shall be delivered to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be simultaneously sent to:

Robert Kou, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

5.3. Respondent hereby agrees to send one employee to the California Compliance School, Modules I-IV. Attendance must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department of Toxic Substances Control within 185 days of the date of this Order. In recognition of this educational investment, the total penalty imposed by this Order has been reduced by \$5,000.00 if the employee satisfactorily completes the specified school and the Department receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the certificate as required, the penalty of \$5,000.00 is due and payable within 30 days after the 185-day period expires. The 185-day period may be extended by a Department Branch Chief upon a written request demonstrating good cause from Respondent.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 11/21/2007

Original signed by Nam Hwan Kim
Respondent Signature

Nam Hwan Kim
Print Name of Respondent

Dated: 12/18/2007

Original signed by Robert Kou
Robert Kou, Unit Chief
Glendale Branch
Enforcement and Emergency Response Program
Department of Toxic Substances Control